

12-11-00

12/08/00

jc869 U.S. PTO

09/733287

12/08/00

<b>UTILITY PATENT APPLICATION TRANSMITTAL</b>  (Only for new nonprovisional applications under 37 C.F.R. § 1.53(b))	Attorney Docket No.	MP-00101.P.1.1
	First Inventor or Application Identifier	Steven R. Cohen
	Title	Completely Resorbable Connective Tissue Distraction Devices and Techniques
	Express Mail Label No.	EL648660193US
<b>APPLICATION ELEMENTS</b> See MPEP chapter 600 concerning utility patent application contents	ADDRESS TO: Assistant Commissioner for Patents Box Patent Application Washington, DC 20231	
1. <input checked="" type="checkbox"/> * Fee Transmittal Form (e.g. PTO/SB/17) (Submit an original and a duplicate for fee processing) 2. <input checked="" type="checkbox"/> Specification [Total Pages 65] 3. <input checked="" type="checkbox"/> Drawing(s) (35 U.S.C. 113) [Total Sheets 15]  4. Oath or Declaration a. <input checked="" type="checkbox"/> Newly executed (original or copy) b. <input type="checkbox"/> Copy from a prior application (37 C.F.R. § 1.63(d)) (For continuation/divisional with Box 16 completed) i. <input type="checkbox"/> <u>DELETION OF INVENTOR(S)</u> Signed statement attached deleting inventor(s) named in the prior application See 37 C.F.R. §§ 1.63(d)(2) and 1.33(b).  *NOTE FOR ITEMS 1 & 13: IN ORDER TO BE ENTITLED TO PAY SMALL ENTITY FEES, A SMALL ENTITY STATEMENT IS REQUIRED (37 C.F.R. § 1.27); EXCEPT IF ONE FILED IN A PRIOR APPLICATION IS RELIED UPON (37 C.F.R. § 1.28).  5. <input type="checkbox"/> Microfiche Computer Program (Appendix) 6. Nucleotide and/or Amino Acid Sequence Submission (If applicable, all necessary) a. <input type="checkbox"/> Computer Readable Copy b. <input type="checkbox"/> Paper Copy (identical to computer copy) c. <input type="checkbox"/> Statement verifying identity of above copies		

## ACCOMPANYING APPLICATION PARTS

7. ☒ Assignment Papers (cover sheet & documents(s))
8. ☐ 37 C.F.R. § 3.73(b) Statement  
(when there is an assignee)  
☐ Power of Attorney
9. ☐ English Translation Document (if applicable)
10. ☐ Information Disclosure Statement (IDS)/PTO-1449  
☐ Copies of IDS Citations
11. ☒ Preliminary Amendment
12. ☒ Return Receipt Postcard (MPEP 503)  
(Should be specifically itemized)
13. ☒ \* Small Entity Statement(s) (PTO/SB/09-12)  
☐ Statement filed in prior application. Status still proper and desired
14. ☐ Certified Copy of Priority Document(s)  
(If foreign priority is claimed)
15. ☒ Other: Certificate of Mailing by Express Mail


16. If a CONTINUING APPLICATION, check appropriate box, and supply the requisite information below and in a preliminary amendment:

☐ Continuation ☐ Divisional ☐ Continuation-in-part (CIP) Of prior application No: \_\_\_\_\_  
Prior application Information: Examiner \_\_\_\_\_ Group Art Unit \_\_\_\_\_

**For CONTINUATION or DIVISIONAL APPS only:** The entire disclosure of the prior application, from which an oath or declaration is supplied under Box 4b, is considered a part of the disclosure of the accompanying continuation or divisional application and is hereby incorporated by reference. The incorporation can only be relied upon when a portion has been inadvertently omitted from the submitted application parts.

## 17. CORRESPONDENCE INFORMATION

☒ Customer Number 24232 or  
Bar Code Label [ ] or  
☐ Correspondence address below

Name	David R. Preston		
Address	11404 Sorrento Valley Road, Suite 104		
City, State and Zip Code	San Diego, California 92121		
Country	USA		
Telephone	858.450.1388		
Facsimile	858.450.2188		
Name	David R. Preston	Registration Number	38,710
Signature		Date	12/5/00

Corresponds to PTO/SB/05

David R. Preston & Associates

11404 Sorrento Valley Road  
Suite 104  
San Diego, California 92121  
E-Mail: [DavidPreston1@prodigy.net](mailto:DavidPreston1@prodigy.net)  
[www.q-creative.com/drpreston](http://www.q-creative.com/drpreston)  
phone: 858.450.1388  
fax: 858.450.2188

**Box Provisional Patent Application**

**"Express Mail" Mailing Label Number:** EL648660193US

**Date of Deposit:** March 8, 2000

Assistant Commissioner for Patents  
Washington DC 20231

Re: Utility Patent Application  
Appl. No.: To be determined  
Filed: Herewith  
Inventor: Cohen et al.  
Our Ref.: MP-00101.P.1.1

Sir:

The following documents are forwarded herewith for appropriate action by the United States Patent and Trademark Office:

1. Utility Patent Application Transmittal (in duplicate);
2. Fee Transmittal (in duplicate);

3. Complete Utility Patent Application entitled:

**Completely Resorbable Connective Tissue Distraction Devices and Techniques**

and naming as inventors

Steven R. Cohen  
Ralph E. Holmes  
J. Peter Amis  
Horst R. Fichtner

the application comprising:

- a) Total pages of application: [65];
- b) Pages of specification: [41];
- c) Pages of Figures: [15]; Number of Figures: [5];
- d) Pages of Title Page: [1];
- e) Pages of claims: [7]; [60] claims; and
- f) Pages of Abstract: [1].

- 4. Assertion of Small Entity Status -- Small Business
- 5. Declaration for Utility Application;
- 6. Assignment Recordation;
- 7. Assignment;
- 8. Preliminary Amendment;
- 9. Return Post Card; and
- 10. Our Check Number 570 for \$ 565.00 .

It is respectfully requested that the attached postcard be stamped with the filing date and unofficial application number and returned as soon as possible.

The following attorney is the attorney of record for prosecuting this application and transacting all business in the USPTO connected therewith:

David R. Preston, Esquire  
Registration No. 38,710

Please send all correspondence and direct all telephone calls to:

David R. Preston  
David R. Preston & Associates  
11404 Sorrento Valley Road  
Suite 104  
San Diego, California 92121  
858.450.1388

Respectfully Submitted,  
DAVID R. PRESTON & ASSOCIATES

A handwritten signature in black ink, appearing to read 'David R. Preston', written over a horizontal line.

David R. Preston  
Attorney for Applicant  
Registration No. 38,710

<b>FEE TRANSMITTAL</b> Patent fees are subject to annual revision on October 1. These are the fees effective October 1, 1997. Small Entity payments <u>must</u> be supported by a small entity statement, otherwise large entity fees must be paid. See Forms PTO/SB/09-12. See 37 C.F.R. §§ 1.27 and 1.28.		Complete if Known	
		Application Number:	To be determined
		Filing Date:	Herewith
		First Named Inventor:	Steven R. Cohen
		Group / Art Unit:	To be determined
<b>Total Amount of Payment</b>	<b>\$ 565.00</b>	<b>Docket Number:</b>	<b>MP-00101.P.1.1</b>

METHOD OF PAYMENT
1. <input type="checkbox"/> The Commissioner is hereby authorized to charge indicated fees and credit any over payments to: Deposit Account Number: <input type="checkbox"/> Deposit Account Name: <input type="checkbox"/> <input type="checkbox"/> Charge Any Additional Fee Required Under 37 C.F.R. §§ 1.16 and 1.17 <input type="checkbox"/> Charge the Issue Fee Set in 37 C.F.R. § 1.18 at the Mailing of the Notice of Allowance.
2. <input checked="" type="checkbox"/> Payment Enclosed <input checked="" type="checkbox"/> Check Number <u>570</u> <input type="checkbox"/> Money Order <input type="checkbox"/> Other

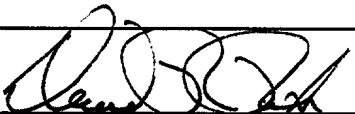
FEE CALCULATION						
1. BASIC FILING FEE						
	Large Entity Fee Code	Large Entity Fee (\$)	Small Entity Fee Code	Small Entity Fee (\$)	Fee Description	Fee Paid
	101		201	355	Utility Filing Fee	\$ 355.00
	106		206		Design Filing Fee	\$
	107		207		Plant Filing Fee	\$
	108		208		Reissue Filing Fee	\$
	114		214		Provisional Filing Fee	\$
<b>SUBTOTAL (1)</b>						<b>\$ 355.00</b>

2. EXTRA CLAIM FEES								
				Extra Claims		Fee From Below		Fee Paid
Total Claims	[30]	-20 **	Equals	[10]	Times	[ 9.00]	Equals	\$ 90.00
Independent Claims	[5]	-3 **	Equals	[2]	Times	[40.00]	Equals	\$ 80.00
Subtotal (2)								\$ 170.00
** or number previously paid, if greater, For Reissues, see below								
	Large Entity		Small Entity		Fee Description			
	Fee Code	Fee (\$)	Fee Code	Fee (\$)				
	103		203	9.00	Claims in excess of 20			
	102		202	40.00	Independent claims in excess of 3			
	104		204		Multiple dependent claim, if not paid			
	109		209		** Reissue independent claims over original patent			
	110		210		** Reissue claims in excess of 20 and over original patent			

3. ADDITIONAL FEES					
Large Entity		Small Entity		Fee Description	Fee Paid
Fee Code	Fee (\$)	Fee Code	Fee (\$)		
105		205		Surcharge - late filing fee or oath	\$
127		227		Surcharge - late provisional filing fee or cover sheet	\$
139		139		Non-English specification	\$
147		147		For filing a request for reexamination	\$
112		112		Requesting publication of SIR prior to Examiner action	\$
113		113		Requesting publication of SIR after Examiner action	\$
115		215		Extension for reply within first month	\$
116		216		Extension for reply within second month	\$
117		217		Extension for reply within third month	\$
118		218		Extension for reply within fourth month	\$
128		228		Extension for reply within fifth month	\$
119		219		Notice of Appeal	\$
120		220		Filing a brief in support of an appeal	\$
121		221		Request for oral hearing	\$
138		138		Petition to institute a public use proceeding	\$
140		240		Petition or revive - unavoidable	\$
141		241		Petition or revive - unintentional	\$
142		242		Utility issue fee (or reissue)	\$
143		243		Design issue fee	\$
144		244		Plant issue fee	\$
122		122		Petitions to the Commissioner	\$
123		123		Petitions related to provisional applications	\$
126		126		Submission of Information Disclosure Statement	\$
581		581	40.00	Recording each patent assignment per property	\$ 40.00
146		246		Filing a submission after final rejection (37 C.F.R. 1.129(a))	\$
149		249		For each additional invention to be examined (37 CFR 1.129(b))	\$
Other fee (specify):					\$
<b>Subtotal (3)</b>					<b>\$ 40.00</b>



4. SUMMATION OF FEES	
SUBTOTAL (1)	\$ 355.00
SUBTOTAL (2)	\$ 170.00
SUBTOTAL (3)	\$ 40.00
<b>TOTAL FEES</b>	<b>\$ 565.00</b>

SUBMITTED BY		Complete (If Applicable)	
Typed or Printed Name	David R. Preston	Registration Number:	38,710
Signature	 Date: 12/5/00	Deposit Account User ID Number	501321